

Message Text

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41

ACTION SCI-06

INFO OCT-01 EUR-25 NEA-10 IO-13 ISO-00 NSCE-00 SS-15 PRS-01

DRC-01 DODE-00 OMB-01 TRSE-00 SSO-00 INRE-00 ACDA-19

CIAE-00 INR-10 L-03 NSAE-00 NSC-10 RSC-01 SCEM-02

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC IMMEDIATE 0000

INFO AEC/GERMANTOWN IMMEDIATE

AMCONSUL BOMBAY PRIORITY

AMEMBASSY BONN PRIORITY

USMISSION EC BRUSSELS PRIORITY

AMEMBASSY NEW DELHI PRIORITY

C O N F I D E N T I A L IAEA VIENNA 7402

EO: 11652: GDS

TAGS: IAEA TECH ESTC

SUBJ: INDIA'S UNAUTHORIZED TRANSFER TO WEST GERMANY OF NUCLEAR
MATERIAL SUPPLIED BY U.S. UNDER AGREEMENT FOR COOPERATION

REF: A. NEW DELHI 10461; B. NEW DELHI 10364; C. STATE 17588

1. PLEASE REPEAT TO IAEA VIENNA NEW DELHI 10458 AND 10459.

2. IAEA INSPECTOR GENERAL INFORMED ME THAT THEY HAVE BEEN RECEIVING REGULAR MONTHLY REPORTS FROM INDIANS ON STATUS OF MATERIALS ACCOUNTS, LOCATIONS, ETC., AND THAT, FROM THESE REPORTS, IT CAME TO AGENCY'S ATTENTION THAT INDIANS HAD TRANSFERRED SOME MATERIAL TO BARC (WHICH HAS NOT RPT NOT BEEN ACCEPTED BY IAEA AS A FACILITY FOR APPLYING SAFEGUARDS, AND, THUS, IS CONTRARY TO SECTION 10 OF US/IAEA/INDIA TRILATERAL SAFEGUARDS TRANSFER AGREEMENT) AND HAD ALSO TRANSFERRED ABOUT 380 KG OF LOW ENRICHED MATERIAL TO FRG FOR FABRICATION INTO FUEL ELEMENTS (WHICH IS CONTRARY TO SECTION 9 OF TRILATERAL). LATTER TRANSFER UNDOUBTEDLY SAME AS THAT
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MENTIONED REF C.

3. IG WAS ABOUT TO SEND LETTER TO INDIANS BRINGING THESE DISCREPANCIES TO THEIR ATTENTION AND OFFERING SUGGESTIONS AS TO HOW TO "REGULARIZE" SITUATION. ARRANGEMENTS FOR ACCEPTING BARC FOR SAFEGUARDS SHOULD BE NO RPT NO PROBLEM. RE TRANSFER TO FRG, AGENCY WAS GOING TO SUGGEST THAT INDIANS AND U.S. AGREE TO JOINTLY NOTIFY AGENCY THAT MATERIAL "BE DEEMED TO HAVE BEEN RETURNED TO U.S." AND THUS REMOVED FROM INVENTORY AND OUT FROM AGENCY SAFEGUARDS, SINCE AGENCY WOULD HAVE NO RPT NO BASIS FOR APPLYING SAFEGUARDS TO MATERIAL WHILE IN FRG, NOR COULD AGENCY AGREE THAT EURATOM SAFEGUARDS ARE "GENERALLY CONSISTENT" WITH AGENCY SAFEGUARDS, AS PROVIDED IN SECTION 9 OF TRILATERAL.

4. MISOFF QUERIED IG AS TO WHETHER MATERIAL IN QUESTION WAS PART OF BATCH FOR WHICH U.S./INDIA JOINT NOTIFICATION TO IAEA ALREADY HAD BEEN MADE, AND THUS LISTED ON INVENTORY AND SUBJECT TO SAFEGUARDS UNDER TRILATERAL, OR WHETHER IT WAS PART OF SUBSTANTIAL QUANTITY OF MATERIAL SHIPPED FEW MONTHS AGO, FOR WHICH JOINT NOTIFICATION TO AGENCY NOT RPT NOT YET MADE, AND THUS NOT RPT NOT YET SUBJECT TO IAEA SAFEGUARDS. IG CONVESSSED THAT IT WAS IMPOSSIBLE TO TELL EXACTLY WHICH BATCH MATERIAL CAME FROM, ACKNOWLEDGED THAT HE HAD FORGOTTEN ABOUT FACT THAT NO RPT NO JOINT NOTIFICATION FOR GOOD PORTION OF MATERIAL HAD BEEN RECEIVED BY AGENCY, AND THAT HE WAS UNCERTAIN WHETHER MATERIAL SHOULD OR SHOULD NOT BE CONSIDERED SUBJECT TO IAEA SAFEGUARDS.

5. I SUGGESTED TO IG THAT HE DELAY SENDING HIS LETTER TO INDIANS UNTIL WE COULD OBTAIN FURTHER CLARIFICATION ON MATTER, NOTING, INTER ALIA, THAT WE HAD ALSO BECOME AWARE OF TRANSFER TO FRG AND WERE SERIOUSLY CONCERNED FROM STANDPOINT PROVISIONS OF OUR BILATERAL AGREEMENT FOR COOPERATION. IG READILY UNDERSTOOD AND AGREED TO DELAY SENDING LETTER PENDING FURTHER ADVICE FROM US.

6. WOULD APPRECIATE GUIDANCE, PARTICULARLY AS TO WHETHER THERE IS ANY WAY TO DETERMINE WHETHER OR NOT MATERIAL IN QUESTION WAS PREVIOUSLY INCLUDED IN JOINT NOTIFICATION TO IAEA. IF NOT, FROM AGENCY'S STANDPOINT, THEY HAVE NO BASIS FOR QUESTIONING TRANSFER TO FRG. PORTER

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Draft Date: 07 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: elyme
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
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Executive Order: GS PORTER
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ISecure: 1
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30 JUN 2005

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